

REMARKS/ARGUMENTS

Claims 1, 3-8, 11, 17-19, 22, 23, 25, 27-30 and 62-64 were rejected under 35 U.S.C. §102(b) as anticipated by Koichi et al. Claim 26 was rejected over Koichi et al. in view of Katsuhiko. Claims 63 and 64 are being canceled. New claim 65 is added.

Claim 1 has been amended to further recite the substrate holding mechanism, which is readable on, without being limited to, the chuck pins 41 and the respective supporting portions 42, which support the peripheral portion of the lower surface of the wafer W (Figs. 1-2, pages 46-47). Thus, claim 1 now recites that the annular member is disposed with a spacing from the substrate holding mechanism such that a gap is formed at the surface of the peripheral portion of the substrate held by the substrate holding mechanism.

The Examiner cited Koichi and its "seal ring 20" as being an apparatus that is capable of forming a gap with the substrate for maintaining a continuous annular film of an etching liquid in contact with the substrate, thus anticipating claim 1.

The applicant, however, cannot agree that Koichi's apparatus is capable of providing such a gap.

Koichi discloses, in paragraph [0032], a large stroke cylinder 31 which moves the seal ring 20 up and down. The cylinder 31 can place the seal ring 20 at only two positions, namely, a position where the seal ring 20 is urged downward in contact with a sample 300, and a position where the seal ring 20 has retreated away from the vicinity of the sample 300. There is no provision for setting the seal ring 20 in a position where it forms a liquid film-forming gap between itself and the sample 300, with the liquid film being formed in the gap, as claimed in claim 1. See paragraphs [0044]-[0045] which explain that the seal ring 20 is either directly in contact with the sample 300, or spaced widely above the sample 300.

In order for Koichi's process to be operable, the seal ring 20 has to be brought into contact with the surface of a sample 300 to form a seal. For this purpose, the large stroke cylinder 31 is provided to move the seal ring 20 up and down. Therefore, the seal ring 20 can take only two positions, namely, a position where the seal ring 20 is in contact with the sample 300 and a position where the seal ring 20 is spaced away from the sample 300. The large stroke

cylinder 31 is not capable of placing the seal ring 20 so that it could form a film-forming gap between the seal ring 20 and the sample 300.

Even when a very thin substrate is to be processed, the seal ring 20 has to be brought into contact with the surface of such substrate for the purpose of Koichi's intended process.

Thus, Koichi's apparatus is not capable of operating as claimed in claim 1. And further, a person having ordinary skill in the art would never consider Koichi et al. to disclose a gap between the seal ring 20 and the surface of the sample 300 with a liquid film being formed in the gap. In other words, one of ordinary skill in the art would see clearly that the large stroke cylinder 31 is arranged such that the seal ring 20 is always brought into close contact with the surface of the sample 300, irrespective of the thickness or location of the sample 300.

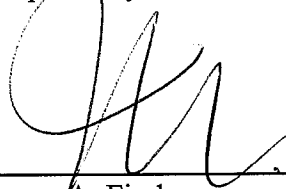
Accordingly, the Koichi reference cannot anticipate the claims as alleged by the Examiner, and the combination of Koichi and Katsuhiko would not make claim 26 obvious. Therefore, allowance of claims 1, 3-8, 11, 17-19, 22, 23, 25, 27-30 and 62 is requested.

New claim 65 depends from claim 1 and recites an annular member structure corresponding to Fig. 2, and page 53, lines 5-18. The claimed structure is not seen in Koichi or the other references. Allowance of claim 65 is requested as well.

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